



Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act: For Fiscal Year 2007 and Future Years

A proposed Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act is intended to help Tribal water quality program managers, staff, and other Tribal environmental decision makers design and implement effective and successful water quality programs. The Guidance establishes procedures and guidelines (including reporting requirements) for EPA Regions to consider when awarding and administering grants to federally recognized Tribes. Reporting requirements and data management expectations for all Tribal programs are a key component of the Guidance. Data collected as a result of the reporting requirements will help EPA measure environmental results and comply with the Government Performance and Results Act (GPRA) and other federal mandates.

Background

Section 106 of the Clean Water Act (CWA) authorizes annual appropriations of funds for federal grants to assist state and interstate agencies in administering water pollution control programs. Section 518(e) of the Clean Water Act authorizes EPA to treat a federally recognized Indian Tribe as a State for the purposes of receiving funding under Section 106. A portion of the total Section 106 appropriation is set aside to fund Tribal water pollution control programs.

Over the past 10 years, EPA has increased funding available for Section 106 grants to Indian Tribes from \$3 million to \$25 million per year. Although many Tribes have implemented successful water quality programs using Section 106 grants, there is an opportunity to strengthen the consistency of program management nationally and improve the quality and access to data on the results of Tribal water quality grant investments.

Plans to develop the Guidance were initiated at a Tribal Senior Steering Committee meeting in November 2004. An EPA Tribal Guidance Workgroup oversaw the development of the document and carried out an extensive outreach plan that included Tribal input. Discussions about the draft Guidance were held at many Tribal meetings including the River Rally in Keystone, CO, and the National Tribal Conference on Environmental Management (NTCEM) in Traverse City, MI. EPA Regions also informally distributed the Guidance to Tribes for comments.

About This Guidance Document

The proposed Guidance provides EPA and Tribes with a consistent framework of procedures and guidelines for awarding and administering grants to federally recognized Tribes under the authority of Section 106 of the Clean Water Act. Specifically, the draft Guidance will assist Tribal water quality program managers, staff, and other Tribal environmental decision-makers in designing and implementing an effective and successful water quality program utilizing Section 106 funds. It will apply to all water quality program grants issued by EPA Regional offices beginning fiscal year 2007.

The Guidance provides an overview of water quality programmatic and technical requirements, discusses some common considerations across programs, and links to technical resources available to develop Tribal programs. It is designed for Tribal water quality programs at all levels of sophistication and development. For new programs, it explains how to successfully initiate and develop a water quality program. For Tribes with well-established programs, it contains information on expanding a water quality program. To meet the needs of Tribes at all levels of development, the Guidance presents the basic steps a Tribe would take to collect the information it will need to make effective decisions about its program, its goals, and its future direction.

One of the goals of this Guidance is to make it possible to aggregate data in a way that allows EPA to assess national results associated with the Section 106 Tribal Grants Program, as well as link funding to environmental results achieved. It identifies activities that EPA believes are critical to developing successful water quality programs. EPA believes that Tribal environmental programs conducting these activities will be able to identify and resolve water quality issues in Indian Country.

In general, the Guidance is intended to promote a new understanding about how Tribes and the Clean Water Act can work together to protect, restore, and maintain the physical and biological integrity of our nation's waters.

How to Get Additional Information

To obtain a copy of this Guidance, please contact Lena Ferris, with the Office of Wastewater Management, at (202) 564-8831 or ferris.lena@epa.gov. The appropriate fax number is (202) 501-2399. Copies of this Guidance may also be obtained by contacting the EPA Regional Tribal Coordinators, or by visiting <http://www.epa.gov/owm/cwfinance/106tgg07.htm>. To find the e-Docket and comment on this action, please follow the instructions listed under the "Addresses" section of the Federal Register Notice.

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